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REMARKS

In accordance with the above amendments, claims 135-144, 152-161 and 168-176 have been canceled. Thus, claims 183-211 remain under consideration in the present application, no claim has been allowed.

The undersigned and English representative, John S. Miles, PhD, wish to thank the Examiner for graciously enabling a three-way telephone interview on August 9, 2006 to clarify and discuss certain issues pertaining to the present application.

With respect to the provisional double-patenting rejection of the claims as being unpatentable over co-pending application 10/842,850, applicants stand ready and willing to file any necessary Terminal Disclaimer, however, since claims in neither application have been allowed as yet, applicants request that the claims in this application be allowed and any Terminal Disclaimer be required with respect to the claims in 10/842,850.

The rejections of the claims on the merits will next be discussed. With the cancellation of claims 1-182, only claims 183-211 remain in the present application. All of the remaining claims are restricted to the use of a lentivirus. It is the applicant's intent that of all these claims require that both the lentiviral vector DNA and the polynucleotide be incorporated in the genome of all the claimed transgenic animals. The present

being the case, it is believed that the rejection of the claims under 35 USC § 102(e) based on Brinster et al (USPN 5,858,354) and Deboer et al (USPN 5,741,957) and the rejection of the claims under 35 USC § 102(b) based on Leder et al. (USPN 4,736,866) have been overcome. In this regard, it is believed that agreement was reached during the recent telephone interview of August 9, 2006 that none of the applied prior art references discloses or suggests the use of lentiviral vectors in making transgenic animals. This, together with the incorporation of the lentiviral vector in the genome of the transgenic animals is believed to make them novel and furthermore to involve a definite inventive step over the teachings of the references.

In view of the above amendments, taken together with the interview discussions and the remarks herein, withdrawal of the present rejections and allowance of the presently pending claims is respectfully requested.

Should issues of claim language, or the like, remain which, in the opinion of the Examiner, could be resolved by further discussion, he is invited to contact the undersigned attorney at

his convenience to discuss same in order to expedite prosecution of this application.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment in response to the Official Action of June 15, 2006, and a Transmittal Letter in application Serial No. 10/054,365, filed on November 12, 2001, of Carol W. Readhead et al, entitled "TRANSFECTION, STORAGE AND TRANSFER OF MALE GERM CELLS FOR GENERATION OF TRANSGENIC SPECIES & GENETIC THERAPIES" are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 15, 2006.



Barbara L. Davis
on behalf of C. G. Mersereau
Attorney for Applicant

Date of Signature: August 15, 2006